

Order

Michigan Supreme Court
Lansing, Michigan

September 9, 2010

Marilyn Kelly,
Chief Justice

139607 & (58)

Michael F. Cavanagh
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway
Alton Thomas Davis,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 139607
COA: 283056
Wayne CC: 07-013349-FC

NATHAN EMMANUEL JACOBS,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the May 12, 2009 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE that portion of the judgment of the Court of Appeals that denied the defendant's newly discovered evidence claim, and we REMAND this case to the Court of Appeals for reconsideration of that claim in light of the laboratory report from Ron Smith & Associates, Inc. The motion for remand to the trial court is DENIED.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 9, 2010

Corbin R. Davis

Clerk